1 2 3 4 5 UNITED STATES DISTRICT COURT 6 WESTERN DISTRICT OF WASHINGTON AT TACOMA 7 CALVIN L. LARSON, JR., 8 9 Plaintiff, Case No. C23-5483-TSZ-SKV 10 v. ORDER TAKING PLAINTIFF'S MOTIONS FOR APPOINTMENT OF PIERCE COUNTY COUNCIL, et al., 11 COUNSEL UNDER ADVISEMENT Defendants. 12 13 14 This is a civil rights action proceeding under 42 U.S.C. § 1983. Plaintiff Calvin Larson is currently in custody at the Clallam County Corrections Facility in Port Angeles, Washington. 15 See Dkt. 14. At the time Plaintiff filed this action, he was confined at the Pierce County Jail. 16 17 See Dkt. 5 at 2. Plaintiff has submitted to the Court for consideration two motions for appointment of counsel. Dkts. 16, 18. Defendants oppose Plaintiff's request for counsel. See 18 19 Dkt. 19. The Court, having reviewed Plaintiff's motions and the balance of the record, hereby 20 ORDERS as follows: 21 (1) Plaintiff's motions for appointment of counsel (Dkts. 16, 18) are taken under advisement and are STRICKEN from the Court's calendar at this time. Plaintiff requests that 22 23 counsel be appointed to represent him in this case, and he argues in support of his request that he ORDER TAKING PLAINTIFF'S MOTIONS FOR APPOINTMENT OF COUNSEL UNDER ADVISEMENT - 1

cannot afford to hire counsel, that his repeated efforts to obtain counsel willing to represent him have been unsuccessful, that his imprisonment will limit his ability to litigate this case, and that the issues in this case are complex. See Dkt. 16 at 1-2. Plaintiff also argues that a trial in this case is likely to involve conflicting testimony, and that a lawyer would be able to assist him in the presentation of evidence and the cross-examination of opposing witnesses. *Id.* at 2.

The instant action is one of a number of cases filed in recent months by Pierce County Jail inmates asserting claims concerning the plumbing and sewage system at the Jail. The Court has appointed counsel in one such case, Wolfclan v. Washington State DSHS, C23-5399-TSZ-SKV. The Wolfclan case was filed by another Pierce County Jail inmate, Echota C. Wolfclan, as a proposed class action. After counsel was appointed in Wolfclan, Mr. Wolfclan filed a motion seeking to have Mr. Larson and a number of individuals who have filed similar cases joined in that action. See Wolfclan, C23-5399-TSZ-SKV, Dkt. 71. While it is unknown at this juncture whether Mr. Larson will end up as a participant in the Wolfclan case, the Court deems it appropriate to defer it's ruling on Mr. Larson's request for appointment of counsel in the instant action until there is greater clarity surrounding the Wolfclan case and how it is likely to proceed.

(2) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for Defendants, and to the Honorable Thomas S. Zilly.

DATED this 15th day of December, 2023.

22

23

United States Magistrate Judge

ORDER TAKING PLAINTIFF'S MOTIONS FOR APPOINTMENT OF COUNSEL UNDER ADVISEMENT - 2